THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.970 of 2007

Dated: 18.01.2007

Between:

Sri Naiduvari Cheruvu, Prakasam District.

..... PETITIONER

AND

The Commissioner of Endowments, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.970 of 2007

ORDER:

The petitioner, who is statedly founder trustee of Sri Naiduvari Cheruvu, a registered charitable institution under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity), feeling aggrieved by the proceedings dated 27.10.2006 passed by fourth respondent, placing him (petitioner) under suspension and appointing fifth respondent as fit person to the institution, filed instant writ petition.

The grievance of the petitioner has a chequered history. However, a detailed reference to that history and the earlier litigation between the petitioner and the respondents is not much relevant for the purpose of this case. The petitioner filed a revision petition before third respondent, presumably under Section 91 of the Act and also moved an application for suspension of the impugned order, in vain. It is also stated that though the Joint Commissioner issued notices on the application, always he is either on leave or on tour on official duty. Presumably for this reason, the petitioner invoked the extraordinary jurisdiction of this Court.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Endowments, this Court is not inclined to accept the writ petition on two reasons. First, the petitioner has already availed the alternative remedy and any inaction on the part of third respondent cannot be said to have been vitiated by inordinate delay. Be it noted when once a citizen has availed an effective alternative remedy provided under the statute, simultaneously a writ petition would not lie. Secondly, even according to the petitioner for various reasons third respondent could not pass orders, presumably because he was on official duty.

In view of the above, instead of keeping the matter pending, the writ petition can be disposed of observing that third respondent should immediately pass orders on the application filed by the petitioner for interim suspension/stay of the impugned order. The petitioner is given liberty to approach third respondent with a copy of this order and obtain appropriate orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

18th January, 2007

Note: Issue CC today.

B/o
ghn